

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED
NOV 30 2020

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

LASHAUNNA D. MCCONNELL (1)
Plaintiff(s)

Case Number: _____

20CV-615 JFH-CDL

VS.
(3) WILLIAM HENRY BRAUM'S (2)
(3) DREW BRAUM'S (4) BRAUM'S ICE CREAM
Defendant(s)

COMPLAINT - EEOC

Comes now the Plaintiff, LASHAUNNA D MCCONNELL and for his/her
claim against the Defendant(s), WILLIAM HENRY BRAUM'S; DREW BRAUM'S; BRAUM'S ICE CREAM
states and alleges as follows:

1. This action is brought and jurisdiction lies pursuant to 42 U.S.C. §2000e-5. Venue is proper in this District.

2. Plaintiff is a(n) BLACK FEMALE who resides at
(Race) (Sex)

1612 SOUTH NARCISSE PL BROKEN ARROW, OKLAHOMA 74012.
(Complete address)

3. The Defendant WILLIAM HENRY BRAUM'S; DREW BRAUM'S; BRAUM'S ICE CREAM is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at
(BRAUM'S CORPORATE OFFICE) 3000 NORTHEAST 63RD STREET OKLAHOMA CITY, OK 73121

(Note: 3a-3f to be used if there is more than one defendant.)

3a. The Defendant DREW BRAUM'S is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at
3000 NORTHEAST 63RD STREET OK CITY, OK 73121

3b. The Defendant BRAUM'S DAIRY ICE CREAM AND DAIRY is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at
3000 NORTHEAST 63RD STREET OK CITY, OK 73121

3c. The Defendant _____ is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at

3d. The Defendant _____ is an employer,
employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at

Handwritten signature: Lashonna D. McConnell

3e. The Defendant _____ is an employer, employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at _____

3f. The Defendant _____ is an employer, employment agency, or labor organization, as defined in 42 U.S.C. §2000e, and is located at _____

4. On or about JUNE 06, 2019, defendant(s)
(Month/day) (Year)

(Specify the unlawful employment practices which you are alleging against the defendant(s), such as: refusal to hire, discharge from employment, harassment in employment, etc.)

(DISCRIMINATION BASED ON RACE) AND RETALIATION

because of (state why defendant(s) discriminated against you, i.e. race, color religion, sex or national origin, etc.)

5. Plaintiff timely filed a written complaint of discrimination with the Equal Employment Opportunity Commission (EEOC) and received a right to sue letter, a copy of which is attached. All conditions precedent to the institution of this lawsuit have been fulfilled.

Wherefore, Plaintiff prays for (state what relief is sought) _____

and such other relief as the Court would allow under Title VII of the Civil Rights Act of 1964.

Signature

1612 SOUTH NARCISSUS PL

Address

BROKEN ARROW

OK

74012

City

State

ZIP

(918) 332-8340

Telephone

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Lashawna McConnell
1612 S Narcissus Place
Broken Arrow, OK 74012

From: Oklahoma City Area Office
215 Dean A. McGee Avenue
Suite 524
Oklahoma City, OK 73102

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2019-18835

Marilyn S. Koshiway,
Investigator

(405) 231-4359

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due** for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

ADRIAN MCDANIEL

Digitally signed by ADRIAN MCDANIEL
DN: cn=ADRIAN MCDANIEL, o=U.S. Department of Justice, ou=Equal Employment Opportunity
Commission, email=ADRIAN.MCDANIEL@EEOC.GOV, c=US
Date: 2020.11.02 16:31:44 -0600

11-3-2020

Enclosures(s)

For: Holly Waldron Cole,
Area Office Director

(Date Mailed)

CC: Karen Kapka
H.R. Assistant
BRAUMS CORPORATE OFFICE
3000 N.E. 63rd Street
Oklahoma City, OK 73121

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

846-2019-18835

Oklahoma Attorney General's Office, Office of CR Enforcement

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. LaShawna McConnell

Home Phone (Incl. Area Code)

(918) 332-8340

Date of Birth

1983

City, State and ZIP Code

Street Address

1612 S Narcissus Place, Broken Arrow, OK 74012

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

BRAUMS ICE CREAM & DAIRY

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(405) 528-3006

City, State and ZIP Code

Street Address

10107 E. 71st Street, Tulsa, OK 74133

Name

No. Employees, Members

Phone No. (Include Area Code)

City, State and ZIP Code

Street Address

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**06-06-2019****10-10-2019**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. On or about March 5, 2017, I was hired for the position of Cashier by Store Manager, Mike McMaster. I performed my job well as evidenced by my being awarded full-time status with benefits. When Store Manager, Dustin Landers, race, White, returned to work at the store, I experienced retaliation for my complaints of racial discrimination from him that I had reported when he worked for Respondent previously. He retaliated against me in the form of my scheduled hours being reduced. I was not scheduled as full-time anymore and he continually said harassing things to me throughout the hours when I was scheduled to work with him. Also, he influenced my race, White Supervisors, to treat me the same way. As a result of my hours being cut, I lost my full-time status and benefits. I complained about my hours being cut, my loss of benefits and the harassment I received from Store Manager Dustin Landers and Supervisors to the race, White, Regional Manager, Jeremy Sharpton. After my complaints to race, White, Jeremy Sharpton, Regional Manager, the harassment I experienced worsened. For example, I was assigned extra duties right before the time I was scheduled to clock-out

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)**1-14-20**

Date

Charging Party Signature

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

846-2019-18835

Oklahoma Attorney General's Office, Office of CR Enforcement

and EEOC

State or local Agency, if any

and told by management that I could not leave until the duties were completed, when management knew that I had to leave at my scheduled time to pick up my children from school. On days when I could not complete the extra duties assigned on the previous shift, I would return the next day and complete the extra duty that I had been assigned previously. Additionally, my scheduled days to work were changed to ones that I could not work because I did not have anyone to stay at home with my children. Management knew this because I told them, and they had always worked with me in the past and not scheduled me to work on days when I needed to be home with my children until my recent complaints of discrimination and retaliation. Also, I was constantly harassed because my work schedule would be changed after I left work, so I had to check my work schedule daily after I was home so that I would not miss any changes or be late for shift when a schedule change was made after I left work for the day. Lastly, I was terminated in retaliation for my complaints of harassment and discrimination on or about October 10, 2019, because I had been assigned an extra duty the shift before that I did not have time to complete before I had to leave to pick up my children from school. I was told that I could not leave before I completed it, however, I did not have anyone else to pick up my children from school, so I could not stay. I explained this to management. When I return the next day to complete the extra duty, I was told that I had been terminated.

- II. No reason was given for not stopping the harassment and retaliation. The reason given for discharging me was insubordination; which I believe is pretext because Management knew I had a valid reason for leaving at my scheduled time (to pick up my children from school) and knew that I would complete the assigned extra duty the next day when I returned to work as I had previously demonstrated.
- III. I believe that I have been discriminated against because of my race, Black; and retaliated against because of my complaints, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY -- When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

1-14-20 *Lathana McConnell*